

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Department of Insurance and Financial Services

Enforcement Case No. 12-11624

Agency No. 13-012-L

Petitioner,

v

Haroon R. Binwalee

System ID No. 0602840

Respondent.

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Issued and entered
on 7/23, 2013
by **Randall S. Gregg**
Deputy Director

FINAL DECISION

I. Background

Haroon R. Binwalee (hereinafter Respondent) is a licensed nonresident insurance producer. The Department of Insurance and Financial Services (DIFS) received information that Respondent had failed to disclose his two prior felony convictions on his application for a Michigan nonresident insurance producer license. Additionally, DIFS received information that Respondent had failed to report to the Director, within 30 days after the final disposition of the matter, administrative action taken against his insurance producer license in another jurisdiction. After investigation and verification of the information, on March 26, 2013, DIFS issued a Notice of Opportunity to Show Compliance alleging that Respondent had provided justification for revocation of licensure and other sanctions pursuant to Sections 1239(1)(a), 1247(1) and 1244(1)(a-c) of the Michigan Insurance Code (Code), MCL 500.1239(1)(a), MCL 500.1247(1) and 500.1244(1)(a-c). Respondent failed to reply to the Notice.

On May 22, 2013, DIFS issued an Administrative Complaint and Order for Hearing which was served upon Respondent. The Order for Hearing required Respondent to take one of the following actions within 21 days: (1) agree to a resolution of the case, (2) file a response to the allegations with a statement that Respondent planned to attend the hearing, or (3) request an adjournment. Respondent failed to take any of these actions.

On July 3, 2013, DIFS staff filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to respond, Petitioner's motion is granted. The Administrative Complaint, being unchallenged, is accepted as true. Based upon the Administrative Complaint, the Director makes the following Findings of Fact and Conclusions of Law.

II. Findings of Fact and Conclusions of Law

1. Pursuant to Executive Order 2013-1, all authority, powers, duties, functions, and responsibilities of the Commissioner of the Office of Financial and Insurance Regulation (Commissioner) have been transferred to the Director of the Department of Insurance and Financial Services (Director).
2. On or about February 16, 2012, Haroon R. Binwalee formerly known as Charles Bryant (System ID No. 0602840) (hereinafter Respondent), submitted his application for a Michigan nonresident insurance producer license. However, Respondent had failed to disclose on the application, as required, his two prior felony convictions. On February 17, 2012, he was issued a Michigan nonresident insurance producer license with qualifications in casualty and property.
3. On or about July 2, 2012, the staff of the Department of Insurance and Financial Services (DIFS) was notified via the Regulatory Information Retrieval System (RIRS) from the State of California that Respondent was issued a restricted license for failing to disclose his criminal history on his nonresident insurance producer license application. Per Respondent, he did not believe that he was required to disclose his convictions because they occurred when he was a teenager over 20 years ago. However, court records indicate that only his first felony offense occurred when he was a teenager. Respondent has the following felony offenses and convictions:
 - a. On or about November 22, 1988, Respondent was arrested and charged with felony aggravated battery. He was 19 years of age at the time. His date of birth is February 1, 1969.
 - b. On or about July 5, 1989, Respondent was convicted of felony aggravated battery in Cook County Circuit Court, IL (Case No. 88CR1809302). He was sentenced to thirty months probation.
 - c. On or about September 30, 1991, Respondent was arrested and charged with a violation of probation for a firearm that was discovered in the car he was driving. He was 22 years of age at the time.
 - d. On or about July 13, 1993, Respondent was convicted of felony unlawful use of a weapon in Cook County Circuit Court, IL (Case No. 91CR2429901). He was sentenced to thirty months probation.

4. As a licensee, Respondent knew or had reason to know that Section 1239 of the Code, MCL 500.1239, provides in part:
 - (1) In addition to any other powers under this act, the commissioner may place on probation, suspend, or revoke an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions, and the commissioner shall refuse to issue a license under section 1205 or 1206a, for any 1 or more of the following causes:
 - (a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.
5. On or about November 27, 2012, DIFS staff received a copy of a Revocation Order from the Maryland Insurance Administration entered on October 10, 2012, revoking Respondent's nonresident insurance producer license and ordering payment of a \$1,000 fine for failing to disclose his felony convictions.
6. On or about April 25, 2013, DIFS staff received a copy of a Revocation Order from the Commissioner of Insurance of the State of Kansas entered on April 8, 2013, revoking Respondent's nonresident insurance producer license for failing to disclose his felony convictions on his Kansas nonresident individual insurance producer license application and for failing to report administrative action taken against his license in other states.
7. As a licensee, Respondent knew or had reason to know that Section 1247 of the Code, MCL 500.1247(1), provides that an insurance producer shall report to the Director any administrative action taken against the insurance producer in another jurisdiction or by another governmental agency in this state within 30 days after the final disposition of the matter. This report shall include a copy of the order, consent to order, or other relevant legal documents.
8. Respondent violated Section 1247(1) of the Code, MCL 500.1247(1), by failing to report to DIFS staff his license revocation and fine stemming from the State of Maryland administrative action and by failing to report his license revocation stemming from the State of Kansas administrative action.
9. Respondent has provided justification for discipline pursuant to Section 1239(1)(a) of the Code, MCL 500.1239(1)(a), by failing to disclose his two felony convictions on the Michigan uniform application for a nonresident insurance producer license.
10. DIFS' staff has made reasonable efforts to serve Respondent and has complied with MCL 500.1238.
11. Respondent has received notice and has been given an opportunity to respond and appear and has not responded or appeared.

12. Respondent is in default and the Petitioner is entitled to have all allegations accepted as true.

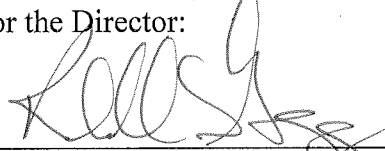
III. Order

Based upon the Respondent's conduct and the applicable law cited above, it is ordered that:

1. Respondent shall cease and desist from violating the Code.
2. Respondent shall immediately cease and desist from engaging in the business of insurance.
3. Respondent's Michigan nonresident insurance producer license (System ID No. 0602840) is **REVOKED**.

R. Kevin Clinton, Director

For the Director:



Randall S. Gregg, Deputy Director